

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First-Named Inventor: Yevgeniy E. Shteyn  
Application No.: 09/741,985  
Date Filed: December 20, 2000

Docket No.: US008075  
Art Unit: 2175  
Examiner: Neveen Abel Jalil

Title: ACCESSING META INFORMATION TRIGGERS AUTOMATIC BUFFERING

Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
OR IN A NAFTA OR WTO MEMBER COUNTRY TO  
OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

Sir:

I declare:

1. The evidence indicated below shows that subject matter claimed in the above-referenced U.S. patent application (the "Application") was invented at a date prior to the effective date of reference cited to reject such claims (the "Reference"). The Reference is U.S. Patent No. 6,349,410, having an effective filing date of August 4, 1999.
2. I am the sole inventor of the above-referenced application, and this declaration is being made on behalf of the Assignee of the Application. The undersigned is authorized to act on behalf the Assignee.
3. The following attached documents are submitted as evidence in support of this declaration:

Attached as **Exhibit 1** is a copy of my invention disclosure identified as PHA23,319. I am the sole author of this invention disclosure, which was prepared by me at as early as February 4, 1999. The attached screen-shot (**Exhibit 2**) for the electronic version of the Word document

shows the creation date property as February 4, 1999, in accordance with my recollection and word processing practices. Page 3 of the disclosure states:

Yet another technique for the agent is take advantage of time-shifting resources if present in the system. For example, when the agent starts masking network latency for one stream, it can select a masking effect, based on estimated network latency. The actual latency can be smaller than the duration of the effect. In order to create a seamless transition from the effect to the original stream, the diversion agent can start a background time shifting of the stream. Upon completion of the masking effect, the agent can resume streaming from any logical time point in the delayed stream.

(Bolding in the attached disclosure is as it appeared in the original.)

4. The foregoing technique, with reference to a "stream", "time shifting" and resumption of the stream from "any logical time point in the delayed stream," is captured by the claims of the Application.
5. The conception of the claimed subject matter in the Application is also shown in the two diagrams attached as **Exhibit 3**. I am the sole author of these diagrams, which were prepared by me at as early as February 4, 1999. The attached screen-shot (**Exhibit 4**) for the electronic version of the Word document shows the creation date as February 4, 1999 in accordance with my recollection and word processing practices.
6. This evidence shows that subject matter of the Application was conceived at least as early as February 4, 1999. This date is earlier in time than the effective date of the Reference, August 4, 1999.
7. From conception to constructive or actual reduction to practice, diligence was maintained as to the inventions claimed in the Application.

#### **TIME OF PRESENTATION OF THE DECLARATION**

This declaration is submitted prior to final rejection.

#### **DECLARATION**

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United

States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURES

**Inventor(s)**

Full name of sole or first inventor Yevgeniy Eugene Shteyn

Inventor's Signature Yevgeniy Eugene Shteyn

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Respectfully submitted,

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**CERTIFICATE OF MAILING or TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (703) 746-7239, on the date indicated below.

(Date)

1/29/04

(Signature)

(Name)

Shannon Verboort  
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